

# United States District Court FILING

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Juan Carlos MENDOZA-Lara  
(Name and Address of Defendant)

08-70166

CASE NUMBER:

FILED  
2008 MAR 24 P 12:50  
RS  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 8, 2008, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

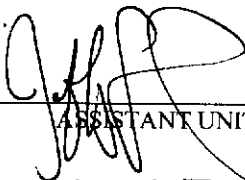
in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

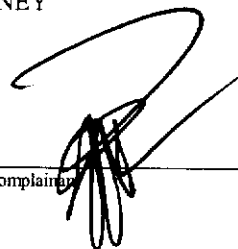
Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:



ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Sworn to before me and subscribed in my presence,

3/24/08

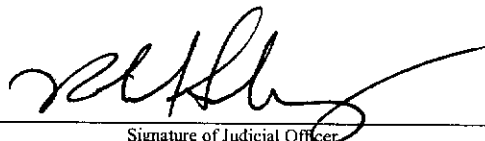
Date

at

San Jose, California

City and State

Richard Seeborg  
United States Magistrate Judge  
Name & Title of Judicial Officer



Signature of Judicial Officer

**RE:** MENDOZA-Lara, Juan Carlos A97 890 283

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

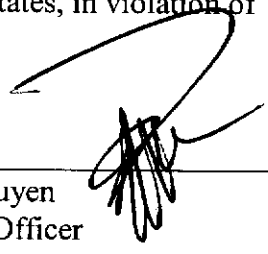
- (1) Mr. MENDOZA-Lara is a 33-year-old male who has used six (6) aliases and three (3) dates of birth in the past.
- (2) Mr. MENDOZA-Lara has been assigned one (1) Alien Registration number of A97 890 283, FBI number of 499056HB8, California Criminal Information Index number of A12086741, and a Monterey County Jail Booking number 0801063.
- (3) Mr. MENDOZA-Lara is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on two (2) occasions from the United States:

| <u>DATE</u>       | <u>PLACE OF DEPORTATION</u> |
|-------------------|-----------------------------|
| August 30, 2004   | Nogales, AZ                 |
| November 12, 2004 | Calexico, CA                |

- (4) Mr. MENDOZA-Lara last entered the United States at or near Calexico, CA on or after November 12, 2004, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. MENDOZA-Lara on a date unknown, but no later than February 08, 2008, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On February 12, 2008, Mr. MENDOZA-Lara was interviewed by Immigration Enforcement Agent (IEA) Joshua Arambulo at the Monterey County Jail, Salinas, CA, and during that interview, Mr. MENDOZA-Lara was advised of his **Miranda** rights in Spanish. Mr. MENDOZA-Lara waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.

**RE:** MENDOZA-Lara, Juan Carlos A97 890 283

- (6) Mr. MENDOZA-Lara was, on July 29, 2004, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION CONTROLLED SUBSTANCE, a felony, in violation of Section 11350 of the California Health and Safety Code, and was sentenced to one hundred fifty (150) days in jail.
- (7) Mr. MENDOZA-Lara was, on September 2, 2004, convicted in the United States District Court, District of Arizona, for the offense of ILLEGAL ENTRY, a misdemeanor, in violation of Title 8 United States Code, Section 1325, and was sentenced to seventy-five (75) days in prison.
- (8) Mr. MENDOZA-Lara was, on June 30, 2005, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of DUI, a misdemeanor, in violation of Section 23152(b) of the California Vehicle Code, and was sentenced to sixty eight (68) days in jail.
- (9) Mr. MENDOZA-Lara was, on February 11, 2008, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION FOR SALE CONTROLLED SUBSTANCE, an aggravated felony, in violation of Section 11351 of the California Health and Safety Code, and was sentenced to 4 years in prison.
- (10) On the basis of the above information, there is probable cause to believe that Mr. MENDOZA-Lara illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 24<sup>th</sup> day of March, 2008

  
\_\_\_\_\_  
RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE